



Planning Department

Powell County Planning Department | Missouri Ave. | Suite 101 | Deer Lodge, Montana 59722
406.846.9729 | bbender@powellcountymt.gov

MINUTES

PLANNING BOARD

The Powell County Planning Board met in a regular session on Thursday, March 6, 2014 at 1 PM.

Members Present: John Beck, Earl Hall, Rick Hirsch, John Hollenback, Tracy Manley, Bill Pierce, & Bruce Thomas

Members Absent: Randy Mannix, & Kenneth Martin

Staff: Brian Bender, David Corcoran, & Lewis Smith

Public: Ken Beck, John Best, Mike Grayson, Yvonne Pfeifer, Bill Ray, & Laura Williams

President Manley called the meeting to order at 1:05 PM.

Agenda Item #1 – Attendance

Seven Members being present established a quorum.

Agenda Item #2 – Approval of Agenda

Member Thomas moved, with Member Hall seconding, to approve an amended agenda. The Planning Board agreed to hear the Beck / Pfeifer COS first. The Board approved the motion through a vote of seven to zero.

Agenda Item #3 – Approval of Minutes

Member Hollenback moved, with Member Hall seconding, to approve the January 9th Minutes as presented. The Board approved the motion through a vote of seven to zero.

Member Hall questioned the reference to Agenda 21 on Page #4.

Planning Director Bender explained Agenda 21 is a United Nations doctrine promoting sustainable development.

Agenda Item #4 – Continued or Tabled Business

None.

Agenda Item #5 - Public Hearings

a. Sommers Minor Subdivision

President Manley announced the request and opened the public hearing.

Member Thomas recused himself from the proceedings since he is the petitioner.

Planning Director Bender summarized the request and highlighted the division on the PowerPoint's mapping exhibit.

Bruce Thomas explained the history of the situation and described how he resided in the residence his entire life, and his mother resided there as a child. He continued by stating that it is the preference of his family to make the corrections as a minor subdivision and not as a boundary relocation. Moreover, Marion Sommers accepted the subdivision as well.

President Manley closed the public hearing.

Environmental & GIS Technician David Corcoran noted there was an option to make the correction as a boundary location.

Member Hollenback asked why MDEQ review is necessary.

Planning Director Bender explained what necessitates the review.

Environmental & GIS Technician David Corcoran informed the Planning Board that Chad Lanes has already reviewed the plat for septic compliance.

Member Hollenback expressed his frustrations by having that requirement.

Planning Director Bender noted the review requirement stems from state statutes.

Member Hollenback moved, with Member Pierce seconding, to send the Sommers Minor Subdivision to the County Commissioners with a favorable recommendation. The motion contained the four conditions listed in the February 25th Staff Report. The Board approved the motion through a vote of six to zero with Bruce Thomas abstaining.

b. Bill Ray / Clearview Tower Conditional Use Permit Extension Request

President Manley opened the public hearing and asked for comments from staff.

Planning Director Bender gave an overview of the request and noted Bill Ray and Mike Grayson, attorney for Clearview Tower LLC are in the audience. He continued by noting the comments he received from Sharon Jacobsen regarding her concern for granting the petitioner an extension.

Bill Ray explained the history of the site and his attempts to secure the services of a cellular communications provider. He continued by describing AT&T's efforts to acquire T-Mobile stopped all siting programs.

Bill Ray reassured the Planning Board that he is doing all he could do to get cellular coverage on the tower.

Mike Grayson noted the investment of Bill Ray's company in constructing the tower and his diligent efforts to get a service provider.

Vice President Hirsch clarified the County's zoning provisions that an unfinished Conditional Use Permit requires a review by the Planning Board.

Planning Director Bender explained the interest by other service providers to locate coverage along the Interstate 90 and Highway 12 Corridors. He continued by saying none of these service providers have an interest in the Highway 200 Corridor.

Bill Ray repeated his comments that his first priority is to obtain the services of a provider. He continued by stating that AT&T will allow co-locating opportunities to other providers on this tower.

President Manley closed the public hearing.

Planning Director Bender explained the Ordinance allows the Planning Board to grant a one-year extension to the Permit. He continued by noting it is the Board's discretion if they want to place additional time to the extension.

Member Hollenback noted his concern to make sure the minutes reflect that the Planning Board is acting in the best interest of the community.

President Manley confirmed the Ovando residents want to have cell phone coverage.

Member Thomas noted he believes that Bill Ray knows what he is doing, and the Planning Board should not put additional hurdles before him.

The Planning Board held a general discussion regarding the appropriateness of placing additional time on the renewal.

The Planning Board also consider if it is necessary to have Bill Ray reappear before the Board within six-months to provide an update of his attempts to acquire a cellular service provider.

Member Hall observed the lack of public opposition to the potential granting of a one-year extension.

Member Thomas moved, with Member Hall seconding, to grant Bill Ray / Clearview Tower LLC a one-year extension to their Conditional Use Permit.

President Manley expressed his appeal to see a six-month review requirement placed on the extension. He continued by saying by having responds to Ovando resident's concerns.

Price Williams remarked that he believes the Planning Board is doing the best they can with the situation.

Member Thomas agreed to amend his original motion to include a report to the Planning Board from Bill Ray within six months on his attempts to secure the services of a cellular communications provider.

The Planning Board approved the motion through a vote of seven to zero.

Agenda Item #6 – Non-public Hearing Items

a. Beck / Pfeifer Boundary Relocation COS

Environmental & GIS Technician David Corcoran gave an overview of the request.

Planning Director Bender noted the COS originates from surveying associated with MDEQ's Superfund Project along the Clark Fork River.

Member Beck asked who the landowner to the west is.

Environmental & GIS Technician David Corcoran responded that is Forsons.

Member Hollenback asked who owns the fence.

Yvonne Pfeifer explained the history of the fence's ownership.

Vice President Hirsch asked why there is an error.

Yvonne Pfeifer explained the original surveyor, Don Hendricks back in 1992 did not go to the section lines also the technology is much better today.

Vice President Hirsch expressed his concerns with the accuracy of surveys.

Member Hollenback moved, with Member Pierce seconding, for the Planning Board to acknowledge the Beck / Pfeifer Boundary Relocation COS is not an attempt to evade formal Subdivision Review. The Motion contained the one condition as listed in the February 25th Staff Report. The Board approved the motion through a vote of seven to zero.

b. Review of Chapter II of the Growth Policy (Goals, Objectives, and Policies)

The Planning Board reviewed the Goals, Objectivities, and Policies from the Growth Policy to verify if they are still applicable. The Board asked staff to make revisions and present them to the Board at the next meeting.

The Planning Board held a general discussion regarding road standards, residential densities, and resource management and how the revised Growth Policy can describe these topics.

Member Pierce described a recent meeting in Helena regarding the Wildland Urban Interface and proposed regulations. He continued by saying Powell County is better off than most counties due to its planning and zoning measures.

Member Hall expressed his concerns with burn barrels and he is working with the County Commissioners to consider revisions to the County Policy.

Agenda Item #7 – Planning Board Comments

President Manley noted the recent letter in the *Silver State Post* from Kevin Marks questioning the actions of Brian Bender. He knew the allegations are unfounded as Brian is a County employee and not the City Planner.

County Attorney Smith described how Kevin Marks filed a Human Rights Violation complaint against Commissioner Pohle and Brian Bender. He continued by saying that Montana Association of Counties is going to defend both individuals.

Agenda Item #8 – Staff Comments

- a. County Attorney
None.

- b. Planning Director
None.

- a. Other
None.

Agenda Item #9 – Public Comments

None.

Agenda Item #10 – Announcement of the April 10th meeting

The Planning Board having no agenda items for April set their next meeting for May 8th at 1 PM.

Agenda Item #11 – Adjourn

Member Thomas moved, with Member Hall seconding, to adjourn the meeting. The Board approved the motion through a vote seven to zero.

President Manley declared the meeting adjourned at 3:17 PM.

Respectfully Submitted,
Brian P. Bender, AICP CEP, CFM
Powell County Planning Director



Tracy Manley, President

6-12-14
Date